

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 786

Introduced by Howard, 9.

Read first time January 09, 2008

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to the Nebraska Rules of the Road; to amend
2 section 60-601, Revised Statutes Cumulative Supplement,
3 2006; to regulate the movement of traffic approaching
4 or passing a stopped authorized emergency vehicle; to
5 provide penalties; to harmonize provisions; and to repeal
6 the original section.
7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 60-601, Revised Statutes Cumulative
2 Supplement, 2006, is amended to read:

3 60-601 Sections 60-601 to 60-6,377 and section 2 of this
4 act shall be known and may be cited as the Nebraska Rules of the
5 Road.

6 Sec. 2. (1) (a) A driver in a vehicle on a
7 controlled-access highway approaching or passing a stopped
8 authorized emergency vehicle or road assistance vehicle which makes
9 use of proper audible or visual signals shall proceed with due care
10 and caution as described in subdivision (b) of this subsection.

11 (b) On a controlled-access highway with at least two
12 adjacent lanes of travel in the same direction on the same side of
13 the highway where a stopped authorized emergency vehicle or road
14 assistance vehicle is using proper audible or visual signals, the
15 driver of the vehicle shall proceed with due care and caution and
16 yield the right-of-way by moving into a lane at least one moving
17 lane apart from the stopped authorized emergency vehicle or road
18 assistance vehicle unless directed otherwise by a peace officer or
19 other authorized emergency personnel. If moving into another lane
20 is not possible because of weather conditions, road conditions,
21 or the immediate presence of vehicular or pedestrian traffic or
22 because the controlled-access highway does not have two available
23 adjacent lanes of travel in the same direction on the same side of
24 the highway where such a stopped authorized emergency vehicle or
25 road assistance vehicle is located, the driver of the approaching

1 or passing vehicle shall reduce his or her speed, maintain a
2 safe speed with regard to the location of the stopped authorized
3 emergency vehicle or road assistance vehicle, and proceed with due
4 care and caution or proceed as directed by a peace officer or other
5 authorized emergency personnel or road assistance personnel.

6 (c) Any person who violates this subsection is guilty of
7 a traffic infraction for a first offense and Class IIIA misdemeanor
8 for a second or subsequent offense.

9 (2) The Department of Roads shall erect and maintain
10 or cause to be erected and maintained signs giving notice of
11 subsection (1) of this section along controlled-access highways.
12 This section is not effective for a controlled-access highway until
13 such signs are erected and maintained along such highway.

14 (3) Enforcement of subsection (1) of this section
15 shall not be accomplished using simulated situations involving an
16 authorized emergency vehicle or a road assistance vehicle.

17 (4) This section does not relieve the driver of an
18 authorized emergency vehicle or a road assistance vehicle from the
19 duty to drive with due regard for the safety of all persons using
20 the highway.

21 (5) For purposes of this section, authorized emergency
22 vehicle also includes, in addition to those vehicles set forth
23 in section 60-610, vehicles operated by the Department of Roads,
24 Nebraska State Patrol motorist assistance vehicles, and United
25 States Department of Transportation registered towing or roadside

1 assistance vehicles. Such vehicles shall emit a warning signal
2 utilizing properly displayed emergency indicators such as strobe,
3 rotating, or oscillating lights.

4 Sec. 3. Original section 60-601, Revised Statutes
5 Cumulative Supplement, 2006, is repealed.